

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIDWEST TRADING GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 9313
)	
GLOBALTRANZ ENTERPRISES, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On November 20, 2012 GlobalTranz Enterprises, Inc. ("GlobalTranz") removed this action from the Circuit Court of Cook County, predicated federal subject matter jurisdiction on diversity of citizenship. Now GlobalTranz has filed its Answer and a group of affirmative defenses ("ADs") to the Complaint brought against it and three codefendants by Midwest Trading Group, Inc. ("Midwest"). This memorandum order is issued sua sponte to address some issues posed by Midwest's Complaint and GlobalTranz' responsive pleading.

To begin with, GlobalTranz' position as to the existence or nonexistence of venue in this District Court is puzzling. What has just been said should more precisely have been stated as "positions" rather than "position," because GlobalTranz' Notice of Removal ¶15 asserts that "venue is proper in this Court" but both Answer ¶8 and AD 3 expressly deny that venue is proper here. Hence GlobalTranz owes Midwest and this Court a clarifying explanation in that respect.

GlobalTranz' position vis-a-vis Midwest is also confusing. Answer ¶¶9 through 11 deny GlobalTranz' having provided shipping services to Midwest, as the Complaint alleges that it did, but then AD 3 refers to the "applicable contract" as "contain[ing] a forum selection clause that mandates all legal action against GlobalTranz be brought in Arizona." Again some explanation of that seeming inconsistency is required.¹

Because the matters referred to here appear to call for early consideration, a status hearing is set for 9:15 a.m. December 19 to discuss the subjects dealt with in this memorandum order. This Court's originally scheduled January 15, 2013 status hearing date will remain in effect unless developments at the December 19 status hearing call for modification.



Milton I. Shadur
Senior United States District Judge

Date: December 10, 2012

¹ AD 4 quotes three lengthy provisions of GlobalTranz' standard Terms and Conditions and refers to "the parties' prior course of dealings."